



ENGINEERING & CONSTRUCTION LTD.

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January 14, 2003

Commissioner For Patents
United States Patent and Trademark Office
Washington, D.C. 20231

Attention: Mr. Brian Glessner, Patent Examiner

Re: Patent application No. 09/976,563 entitled "Building Wall Humidity Control System"

Dear Sir:

In response to your office action of November 7th, 2002, this is to inform you that in our opinion, the objections that you have raised to the above U.S. patent application are not valid. It appears that your latest objections are primarily based on possible conflicts with other foreign patents, specifically, Masuno JP361128047A. Our patent does not conflict with Masuno for precisely the same reasons that it did not conflict with your previously mentioned U.S. patents as outlined in our response to you of August 27, 2002.

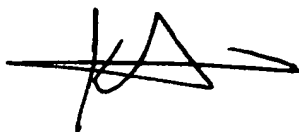
In the case of Masuno, the design intent and method of construction of same is even more radically different from our design than previously described. As you know from studying our drawings and detailed description, our system is specifically designed to manage and control the moisture conditions of an exterior building wall without significantly changing the standard method of construction or standard components of same. Masuno on the other hand, is specifically designed to control moisture of an *interior partition wall only* because his "vent space 9" does not exist on his exterior building wall section. Furthermore, Masuno requires the construction of an twin or split interior partition wall which is a very costly proposition. This alone goes a long way in explaining why this idea, like Fitzgibbon and Charniga for instance, has never been used. Finally, the differences in design intent and application become more obvious when one realizes that the true purpose of Masuno's design is to control the relative moisture of the air contained in the two adjoining living spaces (4a and 4b) because in the final analysis, that living space air is the only possible source for "dew condensation" that might accumulate in an *interior partition*. Masuno has conveniently stated this intent as two separate purposes but in reality, they are one and the same. In this way Masuno's interior partition is really a moisture sink used to control the *moisture of the air in the interior living space* which, of course, is precisely the opposite of our design.

Now that Masuno's design is fully and properly understood, it is not possible to "incorporate Tucker's studs and plates into Masuno's invention" because Masuno and Tucker are not ventilating the same walls at all ! Our invention is not dependent on any of these but rather an improvement of both. Furthermore, it's easy to say, *after the fact*, that our improvement should have been obvious to those skilled in the art but obviously it isn't because if it were, this aspect of moisture control of the exterior building envelope would have been formally incorporated in any of the previously mentioned patents. I'm sure that if any of the previously mentioned inventors had been fully aware of the seriousness of this specific exterior building wall moisture/ventilation related issue, they probably would have solved it as I have but, the simple fact of the matter is: they didn't.

Finally, we disagree with your contention that there is "insufficient antecedent basis" for the words "the stud spaces" or "the living space" in our submission. It is not necessary to provide an "antecedent basis" for ordinary words in their ordinary meanings. For example, to quote one of your own references, Tucker uses the words "dead air spaces" or "air enclosures" in precisely the same manner. There is no need to pre-define or pre-describe the ordinary words "the stud spaces" because it means exactly what it says - it's the space between the studs. Similarly for "living space" - it's the space we live in. I'm sorry if this sounds pedantic Mr. Glessner, but you brought it up sir, not I.

I trust the above is satisfactory and should you have any further questions, please do not hesitate to call me at any time.

Yours truly,



Ken Dextras, P. Eng.
President